IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12 POUSHA 1928

WP(C).No. 217 of 2007(A)

W.P.C.NO.656/06 DATED 08/02/2006 IN O.S.NO.541/04
OF ADDL.MUNSIFF'S COURT, KOCHI

PETITIONER:

JOICE THOMAS, AGED 48 YEARS,
W/O. K.B.THOMAS, KURISUPARAMBIL,PANDIKUDY,KOCHI-2.

BY ADV. SRI.B.RAMACHANDRAN
SMT.JOLIMA GEORGE
SMT.P.N.INDU

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, MINISTRY OF HOME,
GOVT.SECRETARIATE, THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
THOPPUMPADI POLICE STATION, KOCHI-5.

3. GEORGE, S/O. JOSEPH,
AGED ABOUT 60 YEARS, NEDUMPARAMBIL,ODATH, KOCHI-1.

4. RAMANI FRANCIS, AGED 58 YEARS,
W/O. FRANCIS, KOPRAPARAMBIL, PALLICHAL ROAD,
THOPPUMPADY, KOCHI-5.

BY GOVERNMENT PLEADER SRI.K.A.AKBAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.217 of 2007

Dated this the 2nd day of January 2007

JUDGMENT

Against the petitioner and others, crime has been registered by the police interalia under Sections 379 and 447 read with 149 I.P.C. The crime was registered on the basis of a private complaint referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. After registering that crime, the investigating officer has issued notice to the accused persons including the petitioner herein to produce the relevant documents. On getting the notice issued under Section 160 Cr.P.C, the petitioner, instead of complying with the request, has rushed to this court with this petition under Article 226 of the Constitution to quash the investigation.

2. I find absolutely no circumstances which can justify or warrant the invocation of the jurisdiction under Article 226 of the Constitution or under Section 482 Cr.P.C. Admittedly, the crime has been registered on the basis of a complaint filed before the learned Magistrate. It was referred to the police under Section 156(3) Cr.P.C. The police are bound to investigate

into the crime. The offences alleged are bailable, it is submitted. In these circumstances, I find no reason or justification in the prayer for quashing of the proceedings initiated on the basis of a complaint referred to the police under Section 156(3) Cr.P.C. The petitioner must co-operate with the investigator and give the necessary clarifications. I have no reason to assume that the investigating officer would over-step the law or act in violation of the provisions of the law. The petitioner, if the offences are bailable, can, of course appear before the learned Magistrate and seek bail. If any non-bailable offence is alleged, the petitioner can certainly seek anticipatory bail from the court concerned. In any view of the matter, prayer for quashing of the proceedings does not appear to be justified.

3. This writ petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006